

REMARKS

The Examiner has rejected claims 1-8, 10-11, 12-17, and 19-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Pat. No. 6,726,350. Also, the Examiner has rejected claim 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Pat. No. 6,726,350 in view of U.S. Pat. No. 6,371,625.

In response to these rejections, the Applicant respectfully disagrees with the Examiner's finding. Nevertheless, in an effort to expedite prosecution at this time, the Applicant submits herewith a terminal disclaimer under 37 C.F.R. § 1.321(b) and (c). Michael A. Herold is the inventor of the inventions claimed in the subject patent application, and his company, Herold Design Group LLC is the owner of U.S. Patent No. 6,726,350, by assignment executed and recorded on June 14, 2004, at Reel 014725, Frame 0209, as well as the present application by assignment effective also on June 14, 2004 and recorded on September 14, 2004 at Reel 015138, Frame 0775.


The Examiner has objected to claim 18 as being dependent upon a rejected base claim. Applicant believes that the terminal disclaimer submitted herewith obviates the rejection of base claim 1, from which claim 18 depends, and therefore renders moot the objection to claim 18.

CONCLUSION

The Applicant believes that the objections raised by the Examiner have been addressed and that the non-statutory double patenting rejections have been overcome with the filing of the enclosed Terminal Disclaimer. Accordingly, a Notice of Allowance of claims 1-21 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

Enclosed is a check in the amount of \$220.00 for the payment of fees associated with the Terminal Disclaimer. In the event that an additional fee is due or that any amount should be credited, the Commissioner is authorized to charge any additions fees or credit any overpayment to Deposit Account No. 18-0987.

Respectfully submitted,



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